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Docket No.: 216661US0CONT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/049,927

Applicants: Pascal ARNAUD et al.

Filing Date: March 30, 1998

For: ANHYDROUS COSMETIC OR DERMATOLOGICAL  
COMPOSITION CONTAINING THE COMBINATION OF  
A SILICONE OIL AND A WAX MADE FROM AN  
ETHYLENE HOMOPOLYMER OR COPOLYMER

Group Art Unit: 1625

Examiner: HUANG

SIR:

Attached hereto for filing are the following papers:

**Petition Under 37 CFR § 1.181**

**Comments on Notice of Allowance**

**Copy of Information Disclosure Statement filed September 10, 2002**

**Copy of PTO Form 1449 Filed September 10, 2002**

**Copy of Date-Stamped Filing Receipt Dated September 10, 2002**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Obion

Customer Number

**22850**

(703) 413-3000 (phone)  
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Richard L. Treanor

Registration No. 36,379



DOCKET NO: 216661US0CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
PASCAL ARNAUD ET AL. : EXAMINER: HUANG  
SERIAL NO: 09/049,927 :  
FILED: MARCH 30, 1998 : GROUP ART UNIT: 1625  
FOR: ANHYDROUS COSMETIC OR :  
DERMATOLOGICAL COMPOSITION  
CONTAINING THE COMBINATION OF A  
SILICONE OIL AND A WAX MADE  
FROM AN ETHYLENE HOMOPOLYMER  
OR COPOLYMER

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Petitioners respectfully request the Office invoke the supervisory authority of the Commissioner and consider Petitioners' comments on Notice of Allowance, concurrently submitted herewith (copy attached), and indicate that the references provided on the Information Disclosure Statement filed on September 10, 2002, have been considered in the examination of the above-identified application. Timely filing of the IDS is evidenced by the copy of the date-stamped filing receipt attached herewith. A copy of the form PTO-1449 is attached for the Examiner's convenience.

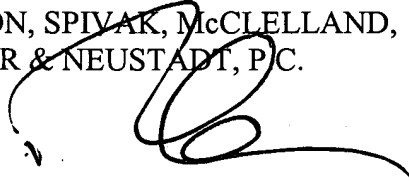
Application No. 09/049,927  
Reply to Office Action of April 5, 2004

The return of a signed, dated and initialed copy of the PTO-1449 to acknowledge the inclusion and consideration of the references provided on the above-noted form PTO-1449 in the above-identified application is respectfully solicited.

For the reasons given above, this petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

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Fax: (703) 413 -2220  
(OSMMN 06/04)

DOCKET NO: 216661US0CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

PASCAL ARNAUD ET AL.

: EXAMINER: HUANG

SERIAL NO: 09/049,927 :

FILED: MARCH 30, 1998

: GROUP ART UNIT: 1625

FOR: ANHYDROUS COSMETIC OR :  
DERMATOLOGICAL COMPOSITION  
CONTAINING THE COMBINATION OF A  
SILICONE OIL AND A WAX MADE  
FROM AN ETHYLENE HOMOPOLYMER  
OR COPOLYMER

COMMENTS ON NOTICE OF ALLOWANCE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Allowance of April 5, 2004, Applicants respectfully request that the references provided on the Information Disclosure Statement (form PTO-1449) filed in this case on September 10, 2002, be acknowledged as considered in the examination of this application.

An IDS and form PTO-1449 were submitted on September 10, 2002. Copies of the form PTO-1449 and a date-stamped filing receipt evidencing the timely submission thereof are attached herewith for the Examiner's convenience.

Application No. 09/049,927  
Reply to Office Action of April 5, 2004

Applicants respectfully request the Examiner return a sign, dated and initialed copy of the form PTO-1449 to Applicants' U.S. representative.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

**COPY**

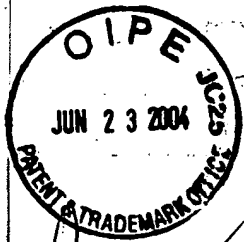
Customer Number  
**22850**

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Fax: (703) 413 -2220  
(OSMMN 06/04)

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Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

# COPY



HAND-CARRY: GROUP 1612  
EXAMINER HUANG

OSMM&N File No. 216661US

Serial No. 09/049,927

In the matter of the Application of: Pascal ARNAUD et al

For: ANHYDROUS COSMETIC OR DERMATOLOGICAL COMPOSITION  
CONTAINING THE COMBINATION OF A SILICONE AND A WAX  
MADE FROM AN ETHYLENE HOMOPOLYMER OR COPOLYMER

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification      Claims/Formal Drawings      Sheets  
and      pages Application Data Sheet
- ☐ Combined Declaration, Petition & Power of Attorney      pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application Transmittal      ☐ CPA
- ☐ Notice of Priority      ☐ Priority Doc
- ☐ Check for      ☒ Dep. Acct. Order Form
- ☐ Fee Transmittal Form
- ☐ Assignment/PTO 1595 pages:
- ☐ Letter to Official Draftsman
- ☒ Letter Submitting Information Disclosure Statement
- ☐ Formal Drawings      sheets      ☐ Formal
- ☒ Letter (Amendment Cover)
- ☒ Supplemental Amendment w/ Marked-Up Copy and Attachment (w/ Translation)
- ☒ Information Disclosure Statement      ☒ PTO-1449 (Page)
- ☒ Cited Documents (3; all with English-language Translations)
- ☐ Search Report
- ☐ Statement of Relevancy      ☐ Cited Pending Applications
- ☐ IDS/Related/List of Related Cases
- ☐ Restriction Response      ☐ Election Response
- ☐ Rule 132 Declaration
- ☐ Request for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Small Entity Status is Claimed
- ☐
- ☐

Due Date: n/a

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Docket No. 216661US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

IN RE APPLICATION OF:

Pascal ARNAUD et al

JUN 23 2004

SERIAL NO: 09/049,927

GAU: 1612

FILED: March 30, 1998

EXAMINER: Huang

FOR: ANHYDROUS COSMETIC OR DERMATOLOGICAL COMPOSITION CONTAINING THE COMBINATION OF A SILICONE OIL AND A WAX MADE FROM AN ETHYLENE HOMOPOLYMER OR COPOLYMER

## INFORMATION DISCLOSURE/RELATED CASE STATEMENT UNDER 37 CFR 1.97

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

### REFERENCES

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☒ Please charge Deposit Account No. 15-0030 in the amount of \$180.00. A duplicate copy of this sheet is enclosed.

### RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

### CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

### DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Tel. (703) 413-3000  
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(OSMMN 10/98)

Richard L. Treanor

Registration No. 36,379

# COPY

SHEET 1 OF 1

Form PTO 349  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

216661US

SERIAL NO.

09/049,927

## LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Pascal ARNAUD, et al

FILING DATE

March 30, 1998

GROUP

1612

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					
	AL					
	AM					
	AN					

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
				YES	NO
	AO				
	AP				
	AQ				
	AR				
	AS				
	AT				
	AU				
	AV				

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	Laboratory Notebook Pages from Inventor Pascal Arnaud (5 pages with English translation attached)
	AX	July 25, 2002 Submission to the European Patent Office in Opposition Proceedings for EP 0 665 008 (39 pages with English translation attached)
	AY	Claim Amendments Proposed by Patentee During August 6, 2002 Oral Hearing Before the Board of Appeals for EPO 0 665 008 (18 pages with English translation attached)
	AZ	

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.